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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 10th MEETING

Held at Headquarters, New York,
on Tuesday, 21 April 1981, at 10.30 a.m.

Chairman: Mr. JOHNSON (Ecuador)

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Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by Articles 10 to 12 (continued)

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.40 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Federal Republic of Germany (E/1980/6/Add.10)

1. At the invitation of the Chairman, Mr. Fenge (Federal Republic of Germany) took a place at the table.

2. Mr. FENGE (Federal Republic of Germany), introducing his country's report (E/1980/6/Add.10), said that the Federal Republic of Germany had a high regard for the rights set forth in articles 10 to 12 of the Covenant. Protection of the family was a constitutional guarantee given effect by a number of statutes and measures. The most important was the legislation on the equalization of family burdens which had been revised in January 1975 to provide the same child benefits for all families with the same number of children. Since the publication of the report, child benefits payable monthly had risen to 120 DM for the second child and 240 DM for the third and subsequent children. Other benefits included grants for continuing education, housing allowances varying with the applicant's needs, educational advisory systems for parents, assistance for those taking care of young children, and housing - especially for low-income and large families. Everything was done to provide children with ample opportunities for personal development, irrespective of their parents' financial means.

3. Family policy was not considered an instrument of population control: it was up to the individual parents to decide how many children they wanted. After some years of decline, the birth rate had begun to rise a little, and had stood at 10 births per 1,000 in 1980. The health of expectant mothers was monitored through regular medical attention.

4. The protection of children and young persons was one of the Government's central concerns. As early as 1922, the Youth Welfare Act had established the right of every child to physical well-being and physical and social development. The education of children was primarily the responsibility of parents, public support being designed to complement initiatives originating within the family. The Government had launched a reform of the education system designed to provide better guarantees of every child's right to education, and kindergarten places were currently available for 60 per cent of the children in the country between three and five years of age. Special legal provisions protected children against neglect and ill-treatment.

5. Those who could not earn their own living were supported by benefits payable through the social security system. Additionally, the social assistance scheme guaranteed a minimum level of benefits so that everyone in the country could live in dignity. Citizens and foreigners alike were entitled to claim social assistance benefits.

(Mr. Penge, Federal Republic of Germany)

6. The country contributed, through the European Economic Community, to world food production and helped to increase food supplies in developing countries.

7. The federal Government's health policy was aimed at protecting against illness and maintaining and improving health standards. The health authorities were working to reduce the infant mortality rate, with some success. In future more attention would be devoted to health, occupational safety, dangerous substances, drug and tobacco abuse and health worker training. Environmental protection and public hygiene were also covered by legislation, and a law had recently been adopted requiring inspection of new drugs to ascertain that they were not dangerous before they could be put on the market.

8. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) asked whether the child benefits payable under the legislation on the equalization of family burdens were dependent upon family income, and whether he was correct in thinking that migrant workers and their families enjoyed the same rights as German families within the terms of that legislation.

9. Mrs. JIMENEZ BUTRAGUENO (Spain), commenting on the attention devoted to the housewife by federal social legislation, asked whether a portion of the family's assets were set aside for the housewife in the event of divorce or separation. She also asked whether the country paid a wage, as distinct from child benefits, to housewives who had no paid occupation.

10. At an OECD workshop on pension rights held in 1969, she had learned that the Federal Republic of Germany provided most generous pension benefits; in addition to receiving benefits commensurate with their previous earnings, pensioners were encouraged to continue working. Times had changed, however, since 1969: she wondered whether the Government still pursued a policy of encouraging pensioners to remain on the job.

11. Mr. SVERRE (Norway), after commending the report for its comprehensiveness, said that the description of the 1971 Environment Programme, on page 36 of the English text, seemed to imply that the authorities were developing legislation on individual areas of environmental protection. If that was so, he wondered whether all aspects of the problem had been covered by legislation.

12. The report also indicated (p. 43) that foreign workers were entitled to vote and be elected in work council elections. He wondered whether such rights were acquired as soon as they started work, or whether there was a qualification period.

13. Mr. MAYCOCK (Barbados) asked whether an informal fostering arrangement was sufficient under federal legislation to secure entitlement to child benefit payments, and whether any restrictions were imposed on the marriage of persons who, because of disability, were unable to support themselves.

14. Mr. SOPINSKY (Union of Soviet Socialist Republics) complimented the representative of the Federal Republic of Germany on an excellent report. He had noted from the introductory statement that child abuse was punishable by law, but the report seemed to imply that corporal punishment of children was permissible in the Federal Republic of Germany. He requested confirmation of that fact. He had also read reports of unemployment in the Federal Republic of Germany, and he wondered how it affected living standards for mothers and children.

15. As head of the Soviet press department for the past six years, he had been informed by correspondents that they were treated by the federal authorities like migrant workers, subject to special procedures such as a rather degrading half-yearly medical examination, which citizens of the Republic did not have to undergo. He concluded that migrant workers were not always covered by the same laws as citizens of the country, and wondered how that situation affected mothers and children. Finally, he asked how the families from the Soviet Union which had emigrated to the Federal Republic of Germany to be reunited with their relatives were faring, and whether they had become naturalized citizens.

16. Mr. SAMSON (International Labour Organisation) said that the Federal Republic of Germany had ratified a number of ILO conventions on maternity protection and the protection of children and young persons, and the ILO Committee of Experts on the Application of Conventions and Recommendations had considered the relevant legislation and practice within the framework of the ILO's own supervisional procedures. Although the Committee had not identified any matters on which further action or information appeared necessary, it had noted that the federal authorities had introduced a number of changes to existing laws in order to ensure the full application of the Minimum Age Convention, 1973.

17. Mr. FENGE (Federal Republic of Germany), replying to the questions raised, said that family income was not taken into account in establishing child benefits. Every adult, whether a citizen or a foreigner, with children in his or her charge was legally entitled to claim child benefits. Special arrangements were in force for pensioners and social insurance recipients who had children to look after, but the federal Child Benefit Act covered all children. A migrant worker legally resident in the country had the same right to child benefits and social assistance benefits as German citizens.

18. Replying to the Soviet representative's comments, he said that he was not aware of any regulations discriminating against migrant workers in the matter of medical check-ups; a first medical check was required when a person entered the Republic, to make sure that he or she was not carrying a dangerous disease, but thereafter no distinction was made between citizens and foreigners. Indeed, the report explicitly stated on page 43 that "neither labour law nor social security legislation discriminates in the relevant areas between German and foreigners".

19. Child abuse was increasingly being recognized as a problem, and the incidence of child abuse was high. A number of cases had been brought to court and resulted in convictions. The root causes of child abuse could usually be found in relations within the family, and the Government was therefore considering how to help ease family relations so that tensions between the parents were not taken out on the children.

(Mr. Fenge, Federal Republic of Germany)

20. The federal Government was grateful for the opportunities now available for families of German origin to be reunited. In some cases, the new immigrants from eastern countries had found that their new country of residence did not meet their expectations, but generally they had adapted well to living conditions in the Federal Republic.

21. With reference to a very important question from the representative of Spain, he explained that efforts to ensure the equality of the rights of spouses in marriage were aimed at preserving that equality not only for the period of the marriage but also after divorce or separation. In that connexion, he drew attention to the provisions concerning the "splitting of pensions rights" in the case of divorce (E/1980/6/Add.10, p. 13), which improved the position of the financially weaker spouse. In reply to the question concerning pensioners, he noted that although people on pensions were encouraged to remain active in local affairs and to pursue activities related to their former employment, they could not continue to work in the job from which they had retired.

22. Referring to the question from the representative of Norway concerning the Environment Programme (p. 36), he explained that although he was not an expert in that field, he assumed that the Programme was aimed at improving many different aspects of the environment, ranging from dangerous emissions to noise. Moreover, every factory was required to submit a safety report and to inform the appropriate supervisory authorities if accidents occurred. Since chemical products represented a particularly serious hazard, the Parliament had adopted the Chemical Substances Act (p. 38) and it was expected to enter into force in 1982.

23. With regard to the question asked by the representative of Norway concerning the right of immigrant workers to vote and to be elected in works council elections (p. 43), he said that to his knowledge exercise of that right was not conditional on period of residence. Replying to a further question from the representative of Norway, he pointed out that at the present time there were 4.5 million foreigners in the Federal Republic; 2 million were migrant workers and the remainder represented the families of such workers and other foreigners. With 1 million children of migrant workers under the age of 16, the Government's family policy was geared to ensuring their cultural and educational development and preparing them for future employment in the country. Some years ago, the flow of migrant workers from countries outside the European Economic Community had been halted because in the Government's view, the infrastructure had to be improved before they could be accommodated. However, the Federal Republic of Germany was mindful of its responsibilities towards refugees from other parts of the world and had accepted more than 100,000 people, requesting refugee status in 1980.

24. Replying to another question from the representative of Norway, he explained that a certain amount of pressure had been exerted with a view to allowing immigrant workers to vote in municipal elections, but that the granting of citizenship status to immigrant workers would severely affect various aspects of life. However, within a proposed European Economic Community programme, the nationals of all EEC member States would enjoy full rights.

(Mr. Fenge, Federal Republic of Germany)

25. Referring to the question put by the representative of Barbados about the payment of child benefits for foster children, he explained that such benefits were subject to specific conditions and to approval of the foster relationship by the Youth Office provided those conditions were met. With regard to marriage between disabled persons, he explained that every person was to free to marry, regardless of his or her physical or mental condition, but that there were regulations that applied to the matter.

26. Mr. SOFINSKY (Union of Soviet Socialist Republics), while not wishing to politicize the good atmosphere prevailing in the Working Group, objected to the mention in the report (p. 2 (3)) of Berlin (West). Such a reference was contrary to the provisions of the Quadripartite Agreement.

27. Mr. Fenge (Federal Republic of Germany) withdrew.

Finland (E/1980/6/Add.11)

28. At the invitation of the Chairman, Mr. Salmenperä (Finland) took a place at the table.

29. Mr. SALMENPERÄ (Finland), introducing his country's report, said that a successful housing policy was regarded as the starting-point for measures aimed at facilitating the establishment of families and improving the conditions of family life. Because of the rapid structural changes brought about by industrialization, there had been a serious shortage of urban housing after the Second World War. However, with the construction of 1,200,000 dwellings, Finland had succeeded in producing enough housing to meet its needs: there were now 100 rooms available for every 90 persons. The problem of the relatively high cost of housing, due primarily to Finland's climate, had been alleviated by Government loans to building companies as well as individuals, and special subsidies for the construction of rental housing. During 1981, Government loans would be granted for the building of approximately 25,000 dwellings. Moreover, to ensure that the cost of housing did not consume a disproportionate share of the family's total resources, special monthly housing allowances averaging 274 Finnish marks were paid to low-income families living in rental housing; in 1980, more than 100,000 families had received such allowances. A special State commission would soon complete work on legislation regulating, inter alia, minimum levels of housing and the ratio between different types of housing; the legal position with regard to the right to adequate housing would then be clarified.

30. Marriage in Finland was based on the free consent of the spouses, provided they were at least 18 years of age. The Marriage Act regulated the duties of spouses as well as the economic relationship between them. It also sought to ensure a stable economic basis for raising children and to provide for the future rights of children. Under recently adopted legislation, to which the report referred, children's rights no longer depended entirely on the marital status of their parents.

(Mr. Salmenperä, Finland)

31. Other measures designed to improve family welfare came within the following categories: tax policy, maternity and paternity protection, children's protection and, more generally, social assistance for those in need of special attention.

32. Tax incentives were not dealt with in the report, but he pointed out that some tax relief was granted during the first few years of marriage, and a special exemption was granted for every child under the age of 16. In addition, an estimated 6,000 marks per child was granted yearly for the various forms of child care and protection.

33. With regard to maternity and paternity protection, he stressed that Finland had more than 1,100 maternity centres which provided prenatal and postnatal counselling as well as regular medical examinations at no cost.

34. In addition to the social holiday services available under the Maternity Benefit Act (E/1980/6/Add.11, p. 5), pregnant women were entitled to 258 days of maternity leave and must take 24 days before the presumed date of confinement. The father could take the last 48 days of that leave in order to care for the child. The father also had the right to 12 days of leave immediately following the birth of the child. Statistics showed that about 13 per cent of all fathers had taken such leave. Either parent had the right to obtain compensation for any loss of salary from the Public Insurance Fund, which was financed jointly by employees and employers. Under many collective agreements, employers were also obliged to pay full salary during the first three months of maternity leave. He stressed that a woman could not be dismissed from her employment because of pregnancy or during maternity leave.

35. The question of the protection of children was fully discussed in the report, but there was also special legislation protecting young people in working life. The Act on the Protection of Young Workers prohibited work by any child who had not completed compulsory schooling or who was under the age of 15. Compulsory schooling was generally completed at the age of 16, but the approved age limit for work considered to be dangerous to the physical or mental health of young people was generally 18 for boys and girls, except for work on board ship, where boys could begin working at the age of 17. However, labour inspectors could prohibit the performance of any work considered to be detrimental to the physical or mental health of a young person. Employers were obliged to arrange regular medical examinations for all employees under the age of 18. In most cases, the work schedule of young people could not exceed 40 hours per week; daily overtime was not permitted and weekly overtime could not exceed 80 hours per year. Work could not begin before 6 a.m. and could not go on past 9 p.m. Any violation of those provisions was a punishable offence.

36. Commenting on the rights covered in article 11 of the Covenant, he noted with regard to food, that Finland had managed to ensure that basic consumer needs could be met from domestic production. However, many food products were still imported. The Food Act (p. 15) and related decrees ensured supervision of the production, preservation, importation, storing and selling of food with a view to safeguarding the health of consumers. The National Board of Health had issued regulations governing food additives and the appropriate storage of food, and food

(Mr. Salmenperä, Finland)

quality was constantly monitored. Under the Food Act, only approved additives could be used, and all foods containing such additives must be labelled accordingly. A long-term national strategy for agriculture and food was being formulated, taking into account public health considerations. A report on that undertaking was to be submitted shortly by a State commission under the Ministry of Agriculture and Forestry; its work was based on the recommendations of an expert committee appointed by the Ministry of Social Affairs and Health on the health aspects of nutrition.

37. Finland actively participated in the World Food Programme and contributed approximately 33 million marks a year in food aid, mainly grain.

38. There had been a sharp decline in infant mortality in Finland from 32 deaths for every 1,000 live births in the 1950s to 9 deaths for every 1,000 live births. The decline was largely the result of the work of maternity counselling centres and maternity hospitals. Maternity counselling centres also offered advice on infant care and made the necessary health care arrangements for children up to the age of seven; subsequently medical care was provided within the school system. Since the medical care offered by maternity counselling centres was preventive, the centres provided all the necessary inoculations. Preventive measures also included dental care, but the mental health of children was within the competence of special child guidance centres.

39. Environmental and industrial hygiene was supervised at the local level by municipal health authorities who were authorized under the Health Act to prohibit any activity involving health hazards. Municipal health boards had to be consulted before a building permit was issued for certain types of factories and enterprises. The Health Act also contained provisions governing the handling of potentially dangerous waste. For example, a municipal health board could prohibit the disposal of toxic wastes in a public dumping ground. Although communes bore primary responsibility for proper waste disposal, if such waste was difficult to handle, destroy or detoxify, the waste producer was responsible for its safe storage. The Council of State could also restrict the production, import or use of a product if, when used in manufacturing, it produced waste that could not be effectively detoxified. A State-level disposal plant for hazardous wastes was currently being planned.

40. The quality of household water was constantly monitored by the some 53 qualified laboratories of the National Board of Health. The industrial use of water was governed by a special permit issued by the National Board of Waters.

41. A new law on air protection, under which factories and enterprises had to furnish precise information about the substances they released into the air, had recently been submitted to Parliament. There was also a specific act designed to prevent the harmful effects of poisons on public health. Poisons used as pesticides or in the treatment of wood, textiles or paper were subject to special regulation.

(Mr. Salmenperä, Finland)

42. According to the Act on the Transport of Dangerous Substances, imported chemicals must be labelled in conformity with international regulations, and containers holding dangerous substances must also bear Finnish labels. The police had the authority to punish violations by prohibiting the transport of such substances.

43. The prevention of epidemic or endemic diseases was the responsibility of the health authorities. The incidence of tuberculosis, which had previously been a serious problem in Finland, had been reduced through effective x-ray screening and improved social conditions. The last case of tubercular meningitis in a child had been diagnosed in the early 1960s. Inoculations were administered widely in Finland and, as a result, there had been no cases of polio since 1965 and diphtheria and whooping cough were extremely rare. An epidemic of meningitis had occurred in 1974 and 1975, but it had been controlled through inoculations. Improvements in hygiene had also reduced the incidence of infectious hepatitis.

44. The new Act on Occupational Health Care Services had significantly improved preventive occupational health care, especially in small work places. Under the Act, employers were obliged to organize adequate health care services for their employees, and to take measures for surveillance of the place of work, screening for possible health hazards, guidance on health care, medical examinations and first aid. Special preventive measures applied to employment of handicapped persons or convalescents. The Public Pensions Institution covered 60 per cent of the approved costs of those measures. On a voluntary basis, employers could also include hospital care in their occupational health schemes. Occupational health care services were also provided on an equal basis to self-employed persons.

45. The Primary Health Care Act of 1972 regulated medical services at the communal level which provided comprehensive coverage of the entire population at mandatory health centres. There were 213 such centres in Finland, staffed by at least four doctors and 44 auxiliary workers. Almost all the health centres had hospital beds, which were used mainly for mild illnesses and chronic patients.

46. The health centres also provided maternity and infant care, school health services, physiotherapy, mental health services, in short, all medical care provided outside hospitals.

47. Hospital care was provided in some 700 hospitals throughout Finland, with a total of 74,000 beds, or approximately 15 beds for every 1,000 inhabitants. Most of the hospitals were operated by the communes, which received State subsidies for that purpose. Patients paid a small daily fee, which was absorbed by the commune for indigent patients.

48. Mr. MILAMBU (Zaire) asked whether the fact that housing was not mentioned as a basic right in Finnish legislation (E/1980/6/Add.11, p. 17) implied that the Government did not attach great importance to the question.

49. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) asked whether the Maternity Benefit Act applied to temporary residents of Finland. If not, he wished to know what social security benefits were payable to working women residing temporarily in Finland.

50. Mrs. JIMENEZ BUTRAGUENO asked whether working women were eligible for benefits under the Communal Home Service Act. She noted the physically handicapped had not been mentioned in the section of the report describing that Act and asked whether any special assistance was provided to such persons with respect to transport or architectural alterations to their homes necessitated by their disabilities.

51. Mr. SHAMMA (Jordan) observed that, in general, the report did not contain much information regarding the situation of aliens or temporary residents.

52. He asked whether the authorities took any steps to ensure that the special financial subsidies paid to the parents of handicapped children under the Child Care Subsidy Act were used for the proper purpose.

53. Mr. KORDS (German Democratic Republic) requested additional information regarding facilities for the care of pre-school children. He wished to know, in particular, whether they were run by the State or private organizations and whether or not they were free.

54. Mr. BORCHARD (Federal Republic of Germany) said that the report seemed to indicate that the municipalities in Finland were responsible for providing social assistance to the needy. He wished to know what the central Government did when the financial resources of the municipalities were not adequate to the needs they had to meet.

55. Mr. SAMSON (International Labour Organisation) said that the ILO Committee of Experts had noted the provisions concerning maternal protection embodied not only in the Maternity Benefit Act but also in the Sickness Insurance Act, as amended in 1980, after the preparation of the Government's report. The Committee had noted the general obligation of employers to ensure the safety of workers, having regard, in particular, to their sex. Additional information was desirable on measures taken to ensure that the work assigned to women during pregnancy and after childbirth was compatible with their state of health. It would be seen from other sections of the ILO Committee's report (E/1981/41) that other countries had specifically prohibited the assignment of mothers to any work that might endanger the safety or health of mother or child and had also provided for the transfer of mothers to other, suitable work, where necessary.

56. In connexion with the Finnish Government's ratification of the ILO Minimum Age Convention, 1973, the Committee of Experts had requested information on measures regulating the work of children under the age of 15 outside an employment relationship. According to the information provided in the Finnish Government's report, such work might be done primarily on family agricultural holdings. The Committee also sought to determine the types of light work in which children under 15 years of age could be employed.

(Mr. Samson, ILO)

57. The Committee of Experts also considered that additional information would be desirable concerning measures to establish a minimum age for domestic service and additional measures for the protection of young persons employed in agriculture, forestry and timber-floating. The object of those protective measures was to ensure their fitness for such work, to restrict the manual transport of loads and to regulate their hours of work and rest.

58. Mr. SALMENPERÄ (Finland), replying to the question asked by the representative of Zaire said that, while there was at present no legislation in Finland which explicitly defined the right to housing as a basic right, a bill would be submitted to the Parliament that would include special provisions to that effect. The housing situation in Finland was quite good and it was for that reason that the legislative lacuna had not been perceived to be of great importance.

59. The Maternity Benefit Act, referred to by the representative of the Libyan Arab Jamahariya, did, in fact, cover only permanent residents. However, the amount of the benefit was not very large. The benefit was intended to ensure that expectant mothers had prenatal medical examinations and could obtain clothing and other articles necessary for the care of their children. Temporary residents were entitled to the same benefits under the sickness insurance scheme.

60. Turning to the questions asked by the representative of Spain, he indicated that housewives and all persons in need of special help in caring for their families were eligible for assistance under the Communal Home Services Act. However, the resources available for providing such services were limited and it was not possible to meet all requests. As to special assistance for the physically handicapped, the Government provided special tax exemptions to enable the handicapped to meet their special needs with regard to transport.

61. Replying to the question asked by the representative of Jordan, he noted that the Government took no special measures to monitor the use of child care subsidies and no particular problems had arisen in that connexion. In general, the rights of aliens were the same as those enjoyed by Finnish citizens, although there were some restrictions. However, the Social Assistance Act, for example, was fully applicable to aliens in Finland.

62. The representative of the German Democratic Republic had inquired about day-care centres. The problem was that the communal day-care centres could accommodate only half the chilren in need of day care, and many parents had to place their children in private day-care centres. The fees charged by the communal day-care centres were based on a sliding scale, with higher-income families paying rates comparable to fees charged in private centres. With large numbers of Finnish women working outside the home, the day-care problem had assumed considerable proportions but a target of 156,000 places in day-care centres had been set for 1988 to remedy the shortage.

63. The representative of the Federal Republic of Germany had inquired about Government subsidies to municipalities. As indicated in the report, such subsidies covered roughly 40 per cent of the real cost of social assistance

(Mr. Salmenperä, Finland)

provided by the municipalities. A bill was to be introduced in Parliament to increase the subsidies to 80 per cent of that cost so that poor municipalities would be better able to pay for the social assistance they were required to provide under law.

64. He drew the attention of the representative of ILO to the Occupational Health Care Services Act, to which he had referred in his introductory statement. Under that Act, employers were responsible for providing health care services for young and old workers alike. The Act, which had only recently entered into force, covered a number of concerns expressed by the ILO Committee of Experts. There was no specific list of light work suitable for young persons, but there was a schedule of heavy work which was prohibited to them. The age limit for domestic service was set at 15 years of age by a special law on domestic service. Employers in the forestry and agricultural sectors were responsible for providing special medical examinations for vulnerable groups, including adolescents and pregnant women.

65. The CHAIRMAN said that as there was no other delegation which wished to speak, the Working Group had completed its consideration of the report of Finland.

66. Mr. Salmenperä (Finland) withdrew.

REVIEW OF THE COMPOSITION, ORGANIZATION AND ADMINISTRATIVE ARRANGEMENTS OF THE SESSIONAL WORKING GROUP

67. The CHAIRMAN suggested that, in the interests of expediting the work of the session, a drafting group should be established, comprising Barbados, India, Norway, Senegal and the Soviet Union, to prepare a short conference room paper on the future composition of the Working Group. Participation in the drafting group would be open to any other interested delegations.

68. If there was no objection, he would take it that the Working Group wished to adopt his suggestion.

69. It was so decided.

The meeting rose at 12.50 p.m.

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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 11th MEETING

Held at Headquarters, New York,
on Wednesday, 22 April 1981, at 10.30 a.m.

Chairman: Mr. JOHNSON (Ecuador)

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The meeting was called to order at 10.40 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Report of Poland (E/1980/6/Add.12)

1. At the invitation of the Chairman, Mr. Freyberg (Poland) took a place at the table.

2. Mr. FREYBERG (Poland) said that he would confine his introductory remarks to updating the information provided in his Government's report, which had been prepared in early 1980.

3. In Poland, the right of the people to exercise all their fundamental rights under the Covenant without discrimination was fully guaranteed and the protection of those rights was an essential part of the Government's policy. The provisions of the Covenant were taken fully into account in preparing the national economic and social development plans and in drafting legislation on social and economic matters.

4. The question of nurseries was of major concern to his Government, particularly in view of the high proportion of Polish women who were employed. In 1980 the number of nurseries had increased by some 8 per cent over the previous year and there were plans to increase the number by 8 to 9 per cent on an annual basis for the next five years. The increase would be made possible in part by reducing the number of government employees, thereby releasing space to be used for nurseries and day-care centres. The nurseries were financed to a large extent from government revenues and parents paid nominal fees based on family income.

5. Family allowances had been increased by some 30 per cent in 1980, with special consideration being given to large families and single women raising families. There had been a special increase of 50 per cent in allowances for families with disabled children.

6. Legislation was being prepared with a view to amending the Labour Code. It was proposed to increase paid maternity leave to 18 weeks in 1981 and thereafter to introduce additional yearly increases of 2 weeks, reaching the target of 24 weeks paid leave in 1984. It was also planned to increase the paid leave of women caring for more than two children and to provide special facilities and allowances for families with disabled children.

7. With regard to article 11 of the Covenant, Polish law required that all products intended for use by children should display special labels specifying their chemical content and special measures were taken to ensure that food products for children were low in nitrates.

(Mr. Freyberg, Poland)

8. With regard to the right to housing, a special programme had been launched in 1980 to improve the housing situation; it included such measures as credit facilities, special allowances for low-income persons and preferences for young couples.

9. In connexion with article 12 of the Covenant, since the preparation of the report, nine new acts had been adopted by the parliament and the Council of Ministers relating to the protection of the human environment. Their object was to create better conditions of work and rest for the entire population; they provided, inter alia, for special measures of protection against noise and vibration and the establishment of environmental protection zones.

10. Mrs. JIMENEZ BUTRAGUEÑO (Spain) requested further information concerning the family courts in Poland and how the Supreme Court played the significant role in protection of the family and children to which the report referred.

11. She noted that a distinction seemed to be drawn in the report between workers and employees and asked whether different legal provisions were applicable to the different categories. For example, the report indicated that the non-working wives of employees were entitled to a one-time birth-benefit and she wondered whether the wives of workers were also entitled to that benefit. She would also welcome clarification concerning the arrangement permitting a woman on unpaid leave for child care to take part-time employment or work at home or on a contract.

12. She asked to what extent the hours of schools and day-care centres coincided with normal working hours in Poland. She also requested information concerning the vacation entitlements of working students.

13. Mr. KORDS (German Democratic Republic) said that he would appreciate additional information about the objectives and membership of the Council for Family Affairs.

14. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the report and the Polish representative's introductory statement documented the impressive efforts of the Government to protect the family and promote the health and education of the children. Polish legislation in those areas was very comprehensive and fully covered the rights provided for in articles 10 to 12 of the Covenant.

15. He commended Poland for the initiative it had taken in 1978 in proposing the adoption of an international convention on the rights of the child. The preliminary draft it had submitted reflected the progress already made in Poland in safeguarding the rights of children. Unfortunately, little progress had been made by the working group set up by the Commission on Human Rights to complete work on the draft convention owing to the opposition of a country which had much to say about human rights, but could not agree to a provision stipulating that the children of foreigners should enjoy the same rights as the children of nationals. The working group on the drafting of the text had approved only six articles and at that pace it would take more than a decade to complete work on the convention. The General Assembly had already adopted two resolutions calling for high priority

(Mr. Sofinsky, USSR)

to be given to that task and urging the Economic and Social Council and the Commission on Human Rights to accelerate work towards that end. It might be helpful for the appropriate bodies to reiterate that appeal.

16. He requested additional information on measures taken to benefit young couples and on the situation of handicapped children.

17. Ms. BOSHKOVA (Bulgaria) commended the Polish Government on its informative and comprehensive report, which documented the success of the Government's social policies.

18. Mr. BORCHARD (Federal Republic of Germany) said that the efforts of the Polish Government to restore and conserve historic buildings, although not mentioned in the report, deserved special commendation.

19. As he knew from his travels in Poland, the Church was very active in that country. He wondered whether the Church provided any additional assistance to families in need and whether there were any Church-run institutions for children or care of the elderly, for example, and whether they were financed solely from the contributions of members or also received subsidies from the State.

20. He requested more information on the work of the "curator centres" referred to in the report.

21. Mr. SAMSON (International Labour Organisation), drawing attention to the report of the ILO Committee of Experts on Poland (E/1981/41), pointed out that Poland had ratified a number of ILO conventions, on maternity protection and work by children and young persons, including the Maternity Protection Convention, 1952, and the Minimum Age Convention, 1973.

22. The Committee of Experts noted that maternity benefits were payable in Poland not only to women workers in a normal employment relationship but also to home workers, members of agricultural co-operatives and self-employed persons. It also mentioned a number of measures to protect the health and safeguard security of employment of women workers during pregnancy and after childbirth. Under the Polish Labour Code, the Council of Ministers had the power to extend those measures to home workers and to persons working outside an employment relationship and they had, in fact, been extended to house workers. The Committee of Experts considered that additional information would be desirable on the protection of working mothers in agricultural co-operatives, either by extending the Labour Code provisions or enacting special measures.

23. A similar question had been raised with regard to work by children and young persons since the various measures referred to by the Committee of Experts in its report applied to work in an employment relationship. The Committee had requested information concerning the application of the Minimum Age Convention and the legislative provisions applicable to children and young persons engaged in home work or working outside an employment relationship, such as family workers and workers in agricultural co-operatives.

24. Mr. FREYBERG (Poland), referring to the questions asked by the representative of Spain, said that working women faced the difficult challenge of balancing their professional activities with their responsibilities in the home. In Poland, the Government made every effort to assist working women by developing the network of nurseries, kindergartens and day-care centres and by providing special after-school recreation programmes for the children of working mothers. More than five million, or 50 per cent, of Polish women were engaged in work outside the home and women constituted 30 per cent of the work force. Consequently, measures to assist working women were one of the Government's major concerns. Working mothers - and fathers, too - were entitled to paid leave to care for sick children.

25. There were different rules applicable to different categories of workers, as the Government's objective was to equalize the rights and duties of all workers. It was only normal, for example, for workers engaged in strenuous or dangerous work to be entitled to more leave and other privileges.

26. As indicated in the report, women on unpaid leave for the purpose of caring for children under the age of four were allowed to take a part-time job or work at home. That humane provision was intended primarily to encourage women to remain at home to care for their children.

27. With regard to the leave entitlements of working students, he indicated that some 20 per cent of Polish students worked while pursuing studies in higher education. They were entitled to supplementary paid leave to enable them to prepare for and sit examinations and, in some cases, they worked shorter hours.

28. The Council for Family Affairs, about which the representative of the German Democratic Republic had inquired, had been established in 1978, and was headed by the Polish Prime Minister. Its membership included the Deputy Ministers of Health and Social Care, Education and Labour, as well as the Vice-Minister for Foreign Affairs, in addition to representatives of the three political parties, of trade unions, and of organizations such as the National Council for Women and the Polish Youth Organization. Representatives of the Church hierarchy were also members of the Council. The Council's main purpose was to initiate action on policy areas affecting the family. It also co-ordinated government activities and co-operative efforts involving families, and monitored the implementation of all decisions having a bearing on family protection and the related conventions and covenants which Poland had signed and ratified. The idea of drawing up a convention on the rights of the child had originated in the Council. So far as he knew, the Council was a unique body; it was held in high regard by the Polish people, and he regarded it as a very effective innovation by the Polish parliament.

29. Poland hoped that work on the draft convention would soon be completed, and intended to submit a draft resolution to the Economic and Social Council at the current session calling for more rapid progress toward that end.

30. To assist young married couples, and to encourage young couples to marry, the non-cash benefits payable to couples had been increased by about 40 per cent. The benefit took the form of a grant for the purchase of household goods and amounted to some 70,000, or about one year's salary for a worker with four years' experience or more. The decision to increase the amount of the grant had been

(Mr. Freyberg, Poland)

accompanied by a reduction in the interest payable on loans by married couples to 3 per cent. Those incentives were proving effective: the number of young married couples was increasing.

31. Allowances for disabled children had already been increased and there were plans to increase them further. The Government also provided special homes for disabled children, and planned a substantial increase in the financing of such homes. Legislation had been enacted establishing protection for disabled children and increasing the level of care to which they were entitled.

32. The authorities had not included information on building preservation and restoration in the report in connexion with environmental protection, but after the expression of appreciation by the representative of the Federal Republic of Germany, he would suggest that such information should be included in subsequent reports to the Working Group.

33. In reply to that representative's question about Church activities, he said that family care was generally provided by the Government, although the Church doubtless provided some assistance from Church funds. The Churches also organized recreational activities for children on a small scale; however, probably 99 per cent of such activities were conducted under government auspices.

34. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) expressed his appreciation of the very comprehensive Polish report which, he said, surpassed the reports of many other countries in the volume of information provided.

Senegal (E/1980/6/Add.13/Rev.1)

35. At the invitation of the Chairman, Mr. Gueye, (Senegal) took a seat at the table.

36. Mr. GUEYE (Senegal), introducing his country's report, said that the preamble to the Senegalese Constitution proclaimed the State's commitment to fundamental rights as set forth in the Universal Declaration on Human Rights; it was in the spirit of its constitutional commitments that Senegal had ratified the Covenant.

37. In conformity with the Covenant, it had adopted important legislation on the family, mothers, young people, workers and the quality of life. That legislation included the Family Code, which established protection for women and children, and the Social Security Code, which provided most of the protection for the family as such and contained a number of provisions of great benefit to mothers. The country had recently amended article 27 of the Social Security Code, to increase the benefits payable to working women during their legal maternity leave from half salary to full salary.

38. The Labour Code provided protection to young people against economic exploitation, while the Ministries of Justice, Social Work and Human Development were also concerned with providing moral protection for young workers.

(Mr. Gueye, Senegal)

39. Senegal was faced, in its efforts to overcome the problems of hunger, housing, clothing and education for its citizens, with recurrent droughts, which damaged the environment and killed off cattle. The Government had begun a campaign against desert encroachment and was engaged in constructing bore holes and dams in order to exploit the waters of the Senegal and Gambia rivers for irrigation and raise food consumption by stimulating agricultural output. The State had a policy of price and salary restraints designed to make sure that basic food products came onto the market at affordable prices. Families were given plots of land on which they were encouraged to build their own homes with financing from commercial banks. The State was increasing the number of sanitary and health workers, waging a campaign against endemic and epidemic diseases, and at the same time working to enhance the role of preventive medicine and improved hygiene and sanitation.

40. Health coverage was not yet adequate, however, and the demand for materials and staff was enormous. In considering the report, the Working Group should recognize that there were extenuating circumstances which accounted for short-comings in Senegal's performance. The country faced challenges in terms of water, energy, education, inflation, employment, and the world economic and cultural order. Action by the international community remained vitally important, and developed countries should not be put off by the magnitude of the developing countries' requirements. It was an individual's right to seek to better his surroundings; but no such betterment was likely if his food supply or health were not secured.

41. Mr. SHAMMA (Jordan) asked what the legal age of majority was, and at what age minors were permitted to marry. He also inquired whether the family allowances a woman received were calculated on the basis of her husband's income.

42. Mr. SVERRE (Norway), remarking that the report listed a number of measures to promote agricultural output, asked under what conditions they could benefit rural farmers and what the cost to the farmers was. The Government was also clearly interested in promoting fish production. In many countries with fishing industries, fish was not available in the interior of the country, so he wondered how the distribution network operated in Senegal.

43. In conclusion, he requested more information on the Government's plans for improving medical coverage of the population, and on the legislation relating to medical care.

44. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) asked for an explanation of the concept of the family as an "ethical" unit of society, and how, if at all, it affected working mothers.

45. Mr. HERMIDA CASTILLO (Nicaragua) requested information on the means used by the Senegalese Government to control food prices, and asked for a reformulation of the statistics on hospitals and medical centres appearing at the end of the report, to show how many patients were served, on the average, in each facility.

46. Mr. MILAMBU (Zaire) asked what place tradition had in Senegalese society. Polygamous marriage was permitted in Senegal: he was curious to know who would be given custody of the children if one of a man's wives chose to divorce him, and how the laws of inheritance operated for a polygamous household. He also asked whether foreigners legally resident in the country enjoyed the same rights as citizens.

47. Mr. SOPINSKY (Union of Soviet Socialist Republics), noting that marriages between minors were apparently possible, asked what was the point of such early marriages.

48. Mr. BORCHARD (Federal Republic of Germany), referring to the quotation from section 21 of the Social Security Code (E/1980/6/Add.13/Rev.1, p.2), asked why the family allowances were granted in respect only of children between the ages of 12 and 15. Referring to the medical situation in Senegal, he noted that that situation could surely be improved, as was clear from the fact, for example, that there was only one doctor for every 15,000 inhabitants. In that connexion, he asked whether Senegal received assistance from international organizations and what steps it envisaged in order to improve that situation.

49. Mr. SAMSON (International Labour Organisation) drew attention to the comments on Senegal provided by the ILO Committee of Experts (E/1981/41, pp. 29 and 30). The provisions governing maternity protection in the form of sickness insurance applied to the relatively small proportion of the population working under an employment relationship. The Committee of Experts had therefore considered that information would be desirable on measures aimed at extending medical maternity benefits, particularly for women not covered by insurance schemes. With regard to maternity benefits for working women, he pointed out that maternity leave allowances had been increased from one-half normal salary to full salary in compliance with legislation adopted in August 1980. While taking that improvement into account, the Committee of Experts considered that additional information would be desirable on any measures taken or contemplated with a view to providing financial assistance before and after childbirth to economically active women working outside an employment relationship (E/1981/41, p. 30).

50. He further pointed out that Senegal had ratified a number of ILO Conventions on work by children and young persons. The Committee of Experts had raised questions concerning some of those Conventions. For example, it wanted to know what constituted light work in which children under the age of 14 could be employed. It had suggested that additional information would be desirable on measures taken to ensure that the hours of work of children and young persons did not exceed their strength, on current practices with regard to medical examinations for children and young workers, which was now left to the discretion of labour inspectors, on measures to raise the minimum age for the manual transport of loads, now permitted from the age of 14, and on measures to protect children and young persons working outside an employment relationship.

51. All those questions were raised with due regard for the progressive implementation of the Covenant, in accordance with article 2 thereof.

52. Mr. GUEYE (Senegal) replying to a question from the representative of Jordan, explained that family allowances were paid in a lump sum, based primarily on the number of children, but irrespective of the salary earned by either parent. With regard to education, he pointed out that 30 per cent of Senegal's budget was devoted to education. That effort was reflected in the increase in the number of children attending primary schools over the period 1960-1979 from 107,000 to 400,000, the number attending secondary schools from 13,000 to approximately 80,000 and the number attending universities from 1,000 to 13,000. Children began primary school at the age of six, but children could also attend kindergarten, starting from the age of three. Education was compulsory, and parents were obliged to place their children in either a public or private school.

53. Referring to questions concerning the right to adequate food (E/1980/6/Add.13/Rev.1, p. 6), he noted that that important problem was rendered even more difficult by Senegal's grain shortage. It was therefore necessary to import most of the products that went into the preparation of food. State food production efforts were directed primarily towards overcoming the problem of water and, accordingly, a programme for the digging of wells and the building of dams had been undertaken with the goal of putting two thirds of the country under irrigation. At the present time, however, government efforts were focused on avoiding shortages and on keeping the prices of basic food products within reach of the population. To that end, the prices of such basic products were strictly monitored, and efforts were made to prevent speculation by merchants who withheld supplies in order to push up prices.

54. Referring to the financing of the measures adopted on behalf of farmers, he explained that Senegal was reforming its agricultural methods, in order to replace traditional, small-scale farming by modern farming techniques. Accordingly, the State had established co-operatives, in which part of the revenue from crops were used to purchase modern equipment under a type of amortization arrangement. However, because of the cyclic drought to which his country was subject, it was frequently difficult for farmers to meet their commitments in that respect. The State was therefore sometimes obliged either to defer their debts or to absorb the costs of modern equipment and wipe out such debts entirely.

55. Referring to fishing and fish distribution, he explained that the State had organized distribution co-operatives which helped fishermen to purchase motors for their canoes. Fishermen also received tax facilities for the purchase of fuel and the State was making a major effort to build up its canneries. Fishing was a basic source of revenue for the Senegalese economy and a major factor in its development. Distribution of fish to non-coastal areas did not present any problems, because fishing could be practised in almost all parts of the country. Except for the very centre of the country, people in almost every area had easy access to the sea and the fish catch was very large.

(Mr. Gueye, Senegal)

56. Commenting on the right to physical and mental health, he conceded that in terms of medical and paramedical staff, medicines and infrastructure, medical coverage was inadequate. However, with a view to remedying that situation and attaining the objective of "health for all by the year 2000", the State had adopted a number of realistic measures, focusing in particular on preventive medicine, on vaccination campaigns and on combating epidemics and endemic diseases. The State was also building hospitals: there were 11 hospitals, 34 health centres, some 400 health stations and 7 endemic disease centres for Senegal's five million inhabitants. As a result of university training and the training received in military health schools, the number of doctors was increasing. An effort was also being made to increase the number of health facilities in rural areas through the establishment of maternity centres and pharmacies.

57. Referring to the ethical foundations of the family, he explained that, in Senegal, as in most States, the family was considered to be the basic unit of society. That attitude was reflected in the Constitution and in the very favourable measures adopted to protect the family, for example, the rigorous provisions of the Family Code governing marriage and divorce.

58. With regard to the control of food prices, he explained that a section of the Ministry of Trade was responsible for monitoring prices periodically with a view to preventing the forms of speculation to which he had referred, warding off the adverse effects of inflation, and in particular, protecting consumers against certain harmful business practices by merchants. Price controls had been very effective.

59. Referring to day nurseries and the protection of young people and the disabled, he explained that an ongoing effort was being made to develop pre-school facilities. The protection of young persons was ensured primarily by the Ministry of Social Welfare, the Ministry of Human Advancement and the Ministry of Justice. The Ministry of Social Welfare provided services for orphans and abandoned children. The Ministry of Justice and its division on supervised education was responsible for delinquent minors and endangered children (E/1980/6/Add.13/Rev.1, p. 6). The disabled received assistance from the relevant office of the Ministry of Social Welfare and from the National Fund for Social Aid and Welfare, which actively assisted both the disabled and the poor.

60. As to the place of custom and tradition in Senegalese legislation, he noted that, although Senegal had adopted a great deal of legislation, its customs had not disappeared. For example, under the Civil Code, there were two types of marriage: religious or traditional marriage and civil marriage. Generally, a civil marriage was performed by the registrar after the traditional marriage ceremony. According to the Moslem religion, a marriage must first be performed in a mosque before it could be registered. All marriages must eventually be registered. If two people wished to be married by the registrar or his representative, they merely came before him and answered certain questions; the registrar then performed the civil marriage.

(Mr. Gueye, Senegal)

61. Replying to the question concerning polygamous families in Senegal, he explained that such families did exist, although the Family Code of 1972 contained provisions designed to discourage such arrangements, and they could be expected eventually to become rare. Most of the citizens of Senegal were Moslems and under their religion polygamy was permitted. Under the legislation in force, when persons wishing to marry came before the registrar, they were offered a choice between monogamy and polygamy. If they chose monogamy, their decision was irreversible, even if subsequently they divorced and remarried. If they chose polygamy, whereby a man was permitted to have a maximum of four wives, the number of wives chosen at the time of the first marriage could be reduced thereafter but it could not be increased.

62. As to the custody of children in the event of divorce, he explained that the decision was taken by a judge on the basis of the child's interests. If the judge subsequently found that the parent having custody was not rearing the child properly, he could award custody of the child to the other parent or to a third party.

63. As to the question of inheritance rights, he noted that Senegalese legislation made no distinction between children born out of wedlock and legitimate children.

64. The age of civil majority was 21 years, but the age required for marriage was 21 for men and 16 for women. Marriages contracted by people under those ages were null and void. Under section 108 of the Family Code, the essential requirement of personal consent by each of the intending spouses also applied to minors. However, minors could marry only for serious reasons, with the permission of the President of the Republic and that of a parent or guardian.

65. With reference to family allowances, he explained that allowances were paid in respect of dependent children after their second birthday and up to the age of 15, or up to the age of 18 when the children were chronically ill or were pursuing academic studies.

66. With regard to maternity protection, in particular for women who were not working, he noted that pregnant women in rural areas had access to free medical care in public hospitals. The State was seeking to remedy the inadequacies of such care by setting up the rural maternity centres and pharmacies to which he had referred earlier.

67. Referring to the rights of foreign nationals in Senegal, he explained that foreigners generally came to Senegal to work for a specific period of time. If they stayed less than six months, they did not enjoy the same rights or advantages as Senegalese workers. However, the same was true of Senegalese workers who went abroad. Accordingly, the status of foreign workers was regulated by bilateral agreements.

68. Mr. Gueye (Senegal) withdrew.

The meeting rose at 1.15 p.m.

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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 12th MEETING

Held at Headquarters, New York,
on Thursday, 23 April 1981, at 10.30 a.m.

Chairman: Mr. JOHNSON (Ecuador)

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Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by articles 10 to 12 (continued)

Organization of work

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.40 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Report of Iraq (E/1980/6/Add.14)

1. Mrs. SAID (Iraq) said that the struggle to achieve economic independence for Iraq had required wresting full control of the country's oil resources from imperialist and monopolistic companies. To that end, the National Oil Company had been established in 1967 to oversee the development of national oil resources with the aim of obtaining sufficient funds to enable the Government to promote the over-all development of the country and secure the full economic, social and cultural rights of all citizens.

2. In connexion with article 10 of the Covenant, in order to be eligible for marriage under Iraqi law, the prospective spouses had to be of sound mind and not less than 18 years old. However, marriage at the age of 15 was permitted, subject to the consent of the 15-year-old's guardian (father) and permission from a magistrate. That concession had been made in order to allow for the differing social circumstances in the country. In keeping with its policy of assisting couples in the establishment of a family, the Revolutionary Command Council had stipulated in 1979 that civil servants and persons employed in the socialist or mixed sectors were entitled to interest-free "marriage loans", repayable over a period of five years beginning five years after the date on which the loan was granted. For each child born, one entire annual instalment was waived.

3. As to the rights of women, Act No. 191 of 1975 guaranteed equality of financial rights and privileges between men and women. For income tax purposes, women were regarded as resident taxpayers in their own right and enjoyed the tax-free allowance granted to them before their marriage. With a view to protecting the family, Act No. 72 of 1977 granted husbands the right to join their wives on sabbatical leave in the same way as wives had been entitled to join their husbands. Family allowances were granted at the rate of 2 dinars for the wife and 2 dinars for each child. Under article 80 of the Labour Act, working mothers were entitled to maternity leave of at least one month before the date of delivery and six weeks after delivery. Since 1979, mothers were also entitled to special leave of up to six months for the purpose of taking care of a child under four years of age.

4. There were two types of nurseries in Iraq: residential nurseries for foundlings and the homeless, which were run by the Department of Social Services of the Ministry of Labour and Social Affairs, and day nurseries. Article 86 of the Labour Act prohibited the employment of young persons under the age of 15. The daily working hours for young persons under the age of 16 must not exceed seven hours and their annual leave must not be less than one month. The workday for young people must include one hour of rest.

(Mrs. Said, Iraq)

5. As to housing, the Government had prepared a long-term plan covering the period up to the year 2000 with the aim of providing decent housing for all Iraqis.

6. Mr. SHAMMA (Jordan) said that the Government of Iraq was making commendable efforts to raise the level of living, especially in the southern part of the country.

7. He noted that under Iraqi law magistrates could authorize young people who were 15 years of age to marry if the objections of their guardians were considered "unworthy of consideration". He asked the representative of Iraq to give an example of an objection that would be considered worthy. He also requested clarification concerning the differences between the paid maternity leave entitlements of women employed in government service and those of other working women.

8. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) requested additional information about the Government's impressive efforts to assist working women, especially in rural areas.

9. Mr. KORDS (German Democratic Republic) asked for what special reasons the marriage of a 15-year-old might be authorized and whether they applied to both males and females. He requested additional information about the role of women in the work force and about measures adopted by the Government to enable women to fulfil their tasks as mothers and in society as a whole.

10. Mr. DIA (Senegal) asked how the measures adopted by the Government to ensure the equal rights of women had been received by the people as a whole and whether the Government's efforts had met with obstacles rooted in tradition.

11. Mr. SAMSON (International Labour Organisation) said the ILO Committee of Experts had noted that provision for medical care, including care in the event of pregnancy and confinement, and for maternity benefits was made under the workers' social insurance scheme. Although the aim was gradually to extend that scheme to all workers, at present it did not apply to workers in agriculture, temporary workers, domestic servants and family workers or to workers in undertakings with fewer than five employees. The Committee of Experts had therefore considered that additional information would be desirable on measures to extend the provision of medical care and maternity benefits to women not yet covered by the scheme.

12. With regard to work by children and young persons, the Committee of Experts had noted that it remained necessary to determine the dangerous and unhealthy occupations to which the higher age-limit of 17 or 18 years should apply for admission to employment. It had also considered that information would be desirable on any measures taken or contemplated to extend the period of compulsory schooling (which normally ended at the age of 12) so as to facilitate the observance of legislation relating to the minimum age for employment (15 years).

13. Mrs. JIMENEZ BUTRAGUEÑO (Spain) asked what the percentage of women in the work force was in Iraq. Noting that one of the grounds for divorce in Iraq was "marital infidelity", she asked what was understood by that term, particularly in view of the fact that polygamy was permitted in Iraq. The description in the report of the provisions governing adoption gave the impression that couples with children of their own were not eligible to adopt; she asked whether that was indeed the case. Lastly, she requested clarification regarding the provisions relating to sabbatical leave.

14. Mrs. SAID (Iraq), replying to questions concerning the eligibility of 15-year-olds to marry, said that fathers might refuse permission to marry for a variety of reasons. Sometimes they wanted their sons to continue working for them or to marry someone else. However, compulsion was totally prohibited in law, and the courts had the power to rule in such cases.

15. Working mothers and mothers employed in government service were afforded special protection under the law. There were some differences in the treatment of working mothers and government employees. Working mothers had to take maternity leave at least one month before delivery and six weeks afterwards. In the event of a multiple birth or complications of pregnancy, the leave could be extended to nine months at 75 per cent of the woman's monthly pay. It was forbidden to assign pregnant women to night work, overtime or dangerous work or to require them to work for more than seven hours a day. Nursing mothers were entitled to two half-hour nursing breaks daily, which were regarded as time spent on the job. State employees enjoyed similar rights but were also entitled to six-months' child-care leave at half pay. Maternity leave counted towards their length of service.

16. With regard to the questions asked by the representative of Senegal, she said that a major campaign had been launched under the guidance of the General Federation of Iraqi Women to ensure the success of efforts to promote the equality of women. Her own presence as the representative of her country was proof of the strides made by women in recent years.

17. Replying to the representative of Spain, she said that the proportion of women in the work force varied from sector to sector, the highest percentage being in education, where women accounted for over 50 per cent. Among the admissible grounds for divorce were maltreatment or incurable illness of the husband. All couples were entitled to adopt children, subject to specific formalities and rules. Sabbatical leave was normally taken for purposes of education; previously, only women had had the right to join their husbands on such leave, but the right had now been extended to men.

18. Mr. NISAIF (Iraq) added that the Government was making considerable efforts to extend coverage of the workers' social security scheme to all workers in rural areas. That did not imply, however, that workers in such areas currently had no access to hospitals and medical care. Hospitals and clinics existed in villages and towns throughout Iraq and provided care to all free of charge.

(Mr. Nisait, Iraq)

19. With regard to the desirability of raising the starting age for employment, the Government was providing incentives to young people to continue their education for longer periods with the aim of reducing the number of persons under the age of 17 seeking employment.

20. On the question of early marriage, he recalled that the teachings of Islam were followed in Iraq and that the last wife of the Prophet Mohammed had been only 13 years old at the time of her marriage. Although it was becoming rarer for 15-year-olds to marry, it was considered necessary, in view of religious and social attitudes, that the law should allow for that possibility.

The meeting was suspended at 11.15 a.m. and resumed at 12.05 p.m.

Report of Denmark (E/1980/6/Add.15)

21. At the invitation of the Chairman, Mr. Ulrichsen (Denmark) took a place at the table.

22. Mr. ULRICHSEN (Denmark) said that Danish social security legislation differed in several respects from the social legislation of other countries. That was particularly true where eligibility for social benefits was concerned. In the majority of cases there was no stipulation of membership in an insurance scheme or payment of premiums or fees; it was sufficient merely to be resident in Denmark. Consequently, foreigners could to a large extent obtain social aid on the same terms as Danish citizens. Another feature of the Danish system was the deliberate policy of simplifying legislation dealing with social benefits; there were few - but broad - statutes, and they tended to supplement one another.

23. A movement toward social reform in 1964 had been based partly on the principle of local assistance, according to which those authorities whose task it was to help the citizen in need must be placed as close to the local scene as possible, and partly on the "single authority" system, which required that all decisions on aid for the individual and his family should be handled by a single office. In order to satisfy those two principles, social security administration was now delegated to local authorities.

24. Premium-type insurances were rare in Denmark, since the cost of social welfare was financed largely by government revenue. That was one reason why Danes paid proportionally more income tax than most people. Social expenditures made up over one third of the national budget; in 1979, they had accounted for 66 million kroner out of a total budget of 188 million kroner. About half the adult population had contact with social welfare services each year - almost no one avoided it completely - when they sought assistance for unemployment, sickness, funerals or when they were to receive child payments, rent subsidies or pensions.

25. The Danish health services, which provided prevention and treatment of disease both in institutions and outside, were operated primarily by public authorities. The cost of the services amounted to almost 7 per cent of the gross national product and to about 12 per cent of total public expenditure.

(Mr. Ulrichsen, Denmark)

26. Since the late nineteenth century a co-operative health service had been developed which, in conjunction with the central Government through subsidies and legislation, had gained considerable influence on the primary health service, traditionally defined in Denmark as all non-institutionalized health service facilities. The National Health Security Act, 1973, had transferred to county councils the responsibility for maintaining a primary health service, which was financed by local taxes. All general practitioners conducted pre-natal examinations of pregnant women and prophylactic examinations of pre-school children. Most immunization was done by the patient's own doctor. Those services were free of charge for the entire population. The present policy was to expand the primary health service in order to control the rapid increase in staff and costs of Denmark's hospital system.

27. Mrs. JIMENEZ BUTRAGUEÑO (Spain) asked whether there had been many lawsuits on behalf of women workers alleging discrimination in employment in Denmark, and whether any types of work were prohibited for women. She would also like further information on maternity leave with pay. She noted from the report (E/1980/6/Add.15) that female employees who were absent from work because of pregnancy and childbirth were entitled to half pay for up to five months from the date on which they became incapacitated for work, and she wondered whether that amount was sufficient. A further point which required clarification was the legal protection offered to working adolescents.

28. Mr. DIA (Senegal) said he was pleased to note that in Denmark non-nationals were entitled to the same social benefits as nationals.

29. The report stated that a female employee who was not guaranteed maternity leave with pay was entitled to maternity benefit, provided out of local government funds; he wondered under what circumstances maternity leave with pay would not be guaranteed.

30. Mr. KORDS (German Democratic Republic) requested more information on assistance to pensioners.

31. Mr. SVERRE (Norway) stressed the need to refer to the voluminous material annexed to the report in order to appreciate fully the high quality of social services in Denmark. He was sure that the answers to many questions could be found in those documents.

32. He requested additional information on the general structure of environmental policy in Denmark. To what extent did the Ministry of the Environment co-ordinate activities and deal with more specialized problems which might appear to be within the province of other ministries?

33. Mr. SHAMMA (Jordan) asked whether the half pay to which women on maternity leave were entitled was sufficient for their upkeep and whether the State would contribute additional money if hardship resulted from that drop in income or if the person concerned was unable to provide for medical expenses.

34. Mr. FENGE (Federal Republic of Germany) asked what proportion of the social security budget was spent on social assistance. He had been struck by the term "one-string system" on page 1 of the report and was interested in finding out what it meant. He wondered whether any special assistance was available to help members of marginal groups, such as the homeless, ex-prisoners, vagrants and gipsies, to integrate themselves into society and to meet their special needs. Finally, he would like to know how many people were receiving assistance under the Social Assistance Act and would appreciate a comparison between the number of recipients of social assistance and the number of people receiving pensions under the social security system.

35. Mr. ABDUL-AZIZ (Libyan Arab Jamahirya) asked whether there were any regulations concerning the types of work which pregnant women were permitted to do.

36. Mr. SAMSON (International Labour Organisation) said the report of the ILO Committee of Experts (E/1981/41) took account not only of Danish social insurance laws but also of the Maternity Leave Act, 1980, which had been adopted subsequent to the presentation of the Government's report under the Covenant. That Act represented a significant legislative development. There was one point on which the Committee of Experts had considered additional information desirable, namely, the measures taken (including any regulations) to ensure that work assigned to women during pregnancy and after childbirth was compatible with their state of health.

37. With regard to work by children and young persons, the Committee of Experts had raised three issues. It had noted that, in agriculture, forestry and horticulture, children who were members of the employer's family might undertake dangerous work as from 10, 12 or 14 years of age, according to the nature of the work; the Committee of Experts had considered that the raising of those age-limits would be desirable since admission to dangerous work should be subject to more stringent requirements. It had also considered that information would be desirable on any measures to raise the minimum age for performance of light work and to regulate hours of work and rest of young persons employed at sea.

38. Mr. ULRICHSEN (Denmark) said that he appreciated the work done by the ILO Committee of Experts in defining where inadequacies existed in Danish legislation.

39. Replying to the question put by the representative of Spain, he said that there had been some recent lawsuits on behalf of female workers. One case, involving the right of women to do the work of seamen, had been brought after a woman had been denied employment aboard ship. The court had ruled that the woman concerned should be given compensation by the owner of the ship and that, in future, shipowners would no longer be able to discriminate against female workers. There had also been various allegations that women had been dismissed from work because of pregnancy. However, that was difficult to prove, and a certain amount of insecurity therefore remained. Other related questions were dealt with ouside the legal system, in negotiations between trade unions and employers. There were no legal restrictions on the employment of women, who were guaranteed equal treatment by law even in such areas as the military services, the police and the church.

(Mr. Ulrichsen, Denmark)

40. The system whereby women on maternity leave were paid half their normal salary was not as ungenerous as some members seemed to feel. Because of the way in which income tax was calculated, a 50 per cent decrease in salary would probably result in only a 30 per cent decrease in disposable income. Since medical treatment was free and medicine was available at reduced prices, a woman would not incur any additional costs because of pregnancy. How much to pay someone who was not actually working was a universal problem affecting not only women on maternity leave but also such people as the unemployed. A system which provided those who were on leave or unemployed with the same pay as those at work was clearly open to abuse. Women on maternity leave who had special needs could always receive additional aid from other parts of the social services system.

41. With regard to the employment of young people, he said that there were specific laws relating to industry and other areas which covered the matter. The question of young people working for their own families was a delicate one, as it could be argued that society should not interfere with the parents' judgement of what was good for their children. In cases where young people of children might be mistreated or be put in a situation that was dangerous to their health or their mental development, they would be protected by regular legislation. However, there was no specific legislation on the subject, partly owing to the tradition in Danish culture of not interfering with the family. The comments made by the representative of ILO would undoubtedly be taken up by the Danish authorities in due course, but his feeling was that they would hesitate to be too specific in that area.

42. Replying to the representative of Senegal, he said that the question of maternity benefits and eligibility for paid leave might be covered by some special arrangement between employer and employees. The laws regarding the right of women to maternity leave and other social benefits established minimum conditions but did not, of course, preclude their being granted better conditions by their employer. There were special laws covering persons employed in certain areas of industry and many arrangements between individual employers and labour. Although the actual maternity benefits were minimal, other benefits were paid from the social services system financed by taxes. Where an employer paid the full salary during maternity leave, he received a partial refund under the Social Assistance Act.

43. With regard to the question put by the representative of the German Democratic Republic concerning pensioners, he said the system provided that people should generally receive old-age pensions from the age of 67, but they could receive it earlier if they wished. The age for women was 63, and in some cases people could even retire at 60. Although the pension was not high, it was meant to provide a minimum standard of living for those who already had some financial basis; if a person did not have such a basis, he or she could receive help from the social services. As was mentioned on page 15 of his country's report, a pensioner paid only 15 per cent of the household income towards the cost of housing, the balance being covered out of public funds in the form of a housing allowance which was tax-free. Many other social services were available for pensioners, including, for example, benefits for holidays to Mallorca or the Canary Islands.

(Mr. Ulrichsen, Denmark)

44. Replying to the Norwegian representative's question concerning environmental policy, he said that the Danish Government had created a Ministry of the Environment, which had taken over the functions of many other parts of the administration. It was not only concerned with the idea of protecting the environment and the people, but also had full responsibility for action in that area. Some environmental questions would still be dealt with by other ministries - for example, those affecting workers by the Ministry of Labour - but questions relating to health, nutrition and some other areas had been transferred to the Ministry of the Environment. The report contained a list of the activities that would be undertaken by the various departments of the Working Environment Institute, which had been established as an integral part of the Directorate of Labour Inspection.

45. In reply to the representative of the Federal Republic of Germany, he said that social assistance as such accounted for 1 per cent of the total budget for social services. That was because a great effort was made to help people in other areas - for instance, with regard to medical and hospital costs, food, rent subsidies and other social services - actual social assistance being a last resort. He had the impression that other countries probably listed some of the services which Denmark provided under other areas as part of their social assistance effort.

46. The term "one-string system" meant that a single authority dealt with all services within the social system. In other words, a person did not have to go to different places for each type of service, but would deal with one authority for all his needs.

47. Replying to the question about assistance to marginal groups, he said that, in the case of former prisoners, there was a special organization to help them to reintegrate into society and find employment. If a former prisoner needed social services, he would be cared for under the regular social services system. Denmark had no special problems with gipsies, who, if they wanted help, could also obtain it under the regular system. There was, of course, a problem in the case of gipsies because it was they themselves who did not wish to become integrated into the mainstream. With regard to homeless persons, there were some organizations that helped them, not so much in financial terms as with services in kind. In any event, the local social services authorities were required to see that everyone had a place to live.

48. As to the question how many people were actually receiving social assistance, the following statistics might be useful: of 500,000 persons who were served by the social system at a given time, 400,000 would not need the social services after three months and would thus leave the system. Of the remaining 100,000 persons, 40,000 would no longer require services after 18 months and would be living at a standard no worse than they had had before entering the system, 25,000 would have risen above the hardship level and be living in a stable, although inferior situation, and 20,000 would have been granted early pensions. Thus, only 15,000 would still be in their original hardship situation after 18 months. He did not have at hand the relevant budget figures, but he hoped the information he had provided would throw some light on the question.

(Mr. Ulrichsen, Denmark)

49. Both the Libyan representative and the ILO Committee of Experts had raised the question of measures to ensure that pregnant women did not have to do strenuous work. That was a matter which was left to the women themselves. After all, one might equally well ask why measures were not taken to prevent pregnant women from smoking. The point would be taken up by the competent Danish authorities and by the special organization for women, but he wondered how serious the problem really was in Denmark, since in most cases the hard work was done by machines. There could, of course, be certain dangers involved in working in the chemical industry. In any event, he did not know of any particular initiative being taken in Denmark to deal with the matter through legislation, as it was an issue which the people would prefer to solve on an individual basis.

50. Mr. Ulrichsen (Denmark) withdrew.

ORGANIZATION OF WORK

51. Mr. SOPINSKY (Union of Soviet Socialist Republics) said he had not objected to the setting up, at the 10th meeting, of a drafting group to exchange views and hold informal consultations on the future composition and organization of the Working Group. While he hoped that the consultations would be successful, he felt that too much time had been spent on procedural questions and not enough on considering the reports of States parties to the Covenant. If the Working Group was to be effective, members should use the free time available to prepare for forthcoming meetings. Procedural questions were diverting attention from the consideration of reports. He therefore proposed that the Working Group should return to the programme of work it had adopted.

52. The CHAIRMAN said he understood the concern of the representative of the Soviet Union, but would point out that the informal consultations and meetings of the drafting group had been held in the free time available after the consideration of reports. Thus, they had not taken away any time from the schedule adopted by the Working Group. The Working Group had to submit its report to the Economic and Social Council as soon as possible, and he had therefore felt free to convene informal meetings and meetings of the drafting group in order to expedite work. In any event, the Working Group would continue to consider the matter further at its afternoon meeting. Little by little, members were coming to a consensus, and he therefore appealed to all delegations to make it possible to continue the consultations.

53. Mr. DIA (Senegal) said that, unlike the Chairman, he did not understand the Soviet representative's proposal. The Working Group was not behind schedule and the informal consultations had not taken time from its regular work. The Soviet delegation had participated in all the informal consultations and was aware that some progress was being made. He therefore urged that the afternoon meeting should be held as scheduled.

54. Mr. KORDS (German Democratic Republic) said his delegation faced the same problem as the Soviet delegation. As he had pointed out at a previous meeting, he had received clear instructions regarding his Government's position on the future composition and work of the Working Group. He would not be able during the current week to go beyond the instructions he had received, and he saw no signs of progress in the consultations.

55. The CHAIRMAN said that the Working Group would continue its discussion of the question at its next meeting.

The meeting rose at 1.15 p.m.

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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 13th MEETING

Held at Headquarters, New York,
on Thursday, 23 April 1981, at 3 p.m.

Chairman: Mr. JOHNSON (Ecuador)

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Organization of work (continued)

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The meeting was called to order at 3.15 p.m.

ORGANIZATION OF WORK (continued)

1. The CHAIRMAN said that, before inviting the Working Group to resume consideration of the organization of future work, he wished to recall that under Economic and Social Council decision 1978/10, the Working Group had a mandate to prepare for the consideration of the Council recommendations on its methods of work in connexion with the reports of States parties to the Covenant. The Drafting Group had already reached agreement on a number of tentative proposals and must continue its work. The non-aligned countries had also put forward valuable proposals for action by the Drafting Group.

2. Mr. SVERRE (Norway) expressed surprise that the representatives of the Soviet Union and the German Democratic Republic had expressed opposition at the previous meeting to work continuing in the Drafting Group. The Drafting Group's meeting the previous afternoon had made useful, although relatively slow, progress and as the Soviet Union had participated willingly in that meeting, he wondered why it had suddenly changed its position. He wished to endorse the comments made by the representative of Senegal at the previous meeting. It was vitally important that the work in the Drafting Group should continue. The Working Group was up to date with its review of the reports of States parties and would in no way be interfering with that aspect of its work if it devoted the free time remaining to considering ways of improving its methods of work.

3. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that his delegation wanted the Working Group to function efficiently and to review the reports of States parties in accordance with its mandate. The current discussion on how to enhance its effectiveness was, he believed, detracting from the Group's review function. The Working Group had agreed on an agenda at the beginning of its session and he was surprised that the representative of Norway, who had voted for that agenda, now wished to alter it and to consider future methods of work earlier than the last three days of the session, which had been allotted to the Group for that purpose.

4. It was clear from the absence of some members of the Working Group that other delegations than his own were also opposed to discussing methods of work at the present stage. The experience of the past few days had shown that the Group could not deal effectively with two important issues at the same time and he would prefer that it abide by its agenda. It was taking him every spare moment to prepare for the Group's review of the reports of States parties and it was inefficient to use the time allotted for that review to discuss methods of work.

5. The CHAIRMAN observed that he was not trying to press members of the Group to continue the work in the Drafting Group or to delay the review of reports of States parties. Most members of the Working Group, however, were anxious to pursue the work in the Drafting Group. Many delegations had submitted their views on the future composition and procedures of the Working Group at the beginning of the year, and the reports of States parties had been available for some considerable

(The Chairman)

time, so it could hardly be argued that members needed more time to prepare for the review and for a discussion on methods of work. The non-aligned countries had also put forward excellent compromise proposals which warranted consideration. If the Drafting Group did not continue its work, the Working Group would be unable to submit recommendations to the Economic and Social Council at its current session in accordance with its mandate.

6. Mr. DIA (Senegal) pointed out that the statement just made by the representative of the Soviet Union was illogical and full of contradictions. He could not see why the Soviet delegation needed so much time to prepare for the review of reports of States parties when those reports had been available for many months. If the small delegations of developing countries had managed to prepare adequately for the review of reports of States parties, he did not see why a great Power should not have been able to do so. If the Soviet representative was having problems in preparing for the session, he should have said so when the session began.

7. He also did not see how the discussion on future methods of work could detract from the review of reports when the Working Group was fully up to date with the review and even had time to spare. The Soviet Union had participated quite willingly in the work of the Drafting Group the previous afternoon and had not voiced any opposition to its work at that stage. The Drafting Group had made considerable progress at that meeting and when the proposals of the non-aligned countries had been put forward the Soviet representative had in fact more or less agreed to their substance and had simply said that he needed to consult his Government on the details. He was curious to know why the Soviet representative had now changed his position.

8. The Soviet delegation had not been opposed to changing the Working Group's agenda at an earlier stage, yet it was apparently unable to support any change now. That again was somewhat contradictory. He could not help feeling that the Soviet Union was trying to block the Working Group's work.

9. Mr. KORDS (German Democratic Republic) observed that his delegation was not opposed to trying to reach a compromise on methods of work, but it needed time to consider the various proposals submitted to the Drafting Group and to consult its Government. In particular, the proposals of the non-aligned countries, which had been received only the previous day required time for serious consideration.

10. Mr. SVERRE (Norway) said that he was gratified to find that the representative of the German Democratic Republic thought the proposals by the non-aligned countries warranted serious consideration. On the other hand, he did not see why the Drafting Group could not pursue its discussion as it had done the previous afternoon, leaving difficult issues aside for consideration at a later stage.

(Mr. Sverre, Norway)

11. The representative of the Soviet Union had expressed surprise that, after agreeing to the agenda at the beginning of the session, Norway should now be prepared to alter it. He wished to point out that when it became clear that there was time available for other matters, it was only logical to use that time to discuss future methods of work rather than leave that crucial discussion for the last three days of the session. The Soviet representative had agreed to that procedure earlier but had now changed his mind. As experience with the present procedure for considering reports of States parties showed, there was much room for improvement and an in-depth discussion of methods of work was essential.

12. Mrs. JIMENEZ BUTRAGUEÑO (Spain) said that she could not see why the concerns of both the Soviet Union and other delegations could not be accommodated. As long as the Working Group was up to date with its consideration of reports, it could devote its spare time to discussing methods of work. The report of the Working Group on its previous session had been rather thin, perhaps in part, because it had failed to define its methods of work clearly enough. The Group might benefit from dealing with both tasks as the same time.

13. Mr. DIA (Senegal) suggested that, if the German Democratic Republic simply needed more time, the Drafting Group might resume its work the following afternoon when that delegation should be in a position to give its views on the proposals by the non-aligned countries.

14. Mr. SOFINSKY (Union of Soviet Socialist Republics) observed that in the light of the experience of the past few days he did not think like the representative of Norway that the Working Group could deal with two issues at once. If, as the representative of Spain had inferred, no decision had been taken on methods of work at the previous session, it was because the matter was too complex. He agreed with the representative of the German Democratic Republic that more time was needed to consider the proposals on methods of work. He had devoted a great deal of time to examining the proposal put forward by India at the previous afternoon's meeting, but he was unable to take a position on it pending instructions from his Government. In fact he could not take a position on any change in the composition or financial implications of the Working Group without instructions from his Government. He therefore reiterated the view that the experience of the past few days had shown that it was detrimental to the Working Group's efficiency to consider methods of work at the present stage.

15. The CHAIRMAN again observed that the Drafting Group had been convened only when the Working Group had saved time by completing its work ahead of schedule.

16. The differences in the Working Group were not going to be easy to resolve, but he would like the Working Group to be able to make recommendations to the Council at its current session. He suggested therefore that it should reconvene as a plenary drafting group open to all members of the Working Group, to consider how such recommendations might best be prepared.

17. It was so decided.

The meeting rose at 3.50 p.m.